

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

July 22, 2008

CALL TO ORDER

Acting Chair Proud called the meeting of the July 22, 2008 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Acting Chair Proud, Commissioners Ferrington, Mons, Schumer, Solomonson and Wenner. Chair Feldsien was absent.

APPROVAL OF AGENDA

Under the *Miscellaneous* portion of the meeting, Commissioner Mons requested the addition of item D., Exxon Station signage at Lexington and Gray Fox Road.

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington to approve the July 22, 2008 agenda as amended.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington, to approve the June 24, 2008 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 6 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the City Council approved the following at the July 7, 2008 Council meeting:

- Southview Senior Living, 4710 Hodgson Road, Development Stage PUD;
- Nardini Fire Equipment, 455 County Road E, Development Stage PUD;
- Minor Subdivision for Rottlund Homes at 5597 and 5603 Sheldon Street.

Congratulations to Commissioner Wenner who has received a Green Community award for putting in a shoreland buffer, rain garden and planting native habitat. His property will be on the Green Community Awards Tour on August 3, 2008.

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2325-08-22
APPLICANT: NORTHWEST YOUTH AND FAMILY SERVICES
LOCATION: 3490 LEXINGTON AVENUE

Presentation by City Planner Kathleen Nordine

Northwest Youth and Family Services (NYFS) is proposing an addition on the southeast side of their building in an area that was designated for parking. The addition will provide an activity center for youth treatment programs. The addition would be 9,481 square feet and include a gymnasium. Existing parking stalls and aisles would be relocated. Parking would not be expanded; the number of stalls would be reduced from 236 to 178, which still exceeds City requirements. No increase of impervious surface is proposed. Outside materials will match the existing building.

The property consists of six acres and has a 3-story office building of approximately 45,000 square feet. A large portion of the property is wetland. The property is zoned Office as designated by the Comprehensive Plan. The proposal meets the City's development standards. Although no increase in impervious surface, Rice Creek Watershed District is recommending a retrofit for infiltration. Therefore there will be a section of pervious pavers for infiltration.

The main purpose of the gym is for NYFS programs. It would also be open to community group use. Staff has some concerns about large events that would bring a lot of traffic. Access is off Lexington Avenue and one off Harriet Avenue. Staff is requiring signage to direct users to Lexington Avenue.

Property owners within 350 feet were notified of the proposal. One concern raised is security. NYFS would be agreeable to hiring a shared security officer with LifeSpan, but no agreement has been reached with LifeSpan. Staff is recommending approval with the conditions listed in the staff report. Commissioner Proud submitted an email with suggestions to address outside use of the gym and/or kitchen. Commissioner Proud suggests another condition that "use of the kitchen and gym by parties other than NYFS are allowed provided such use does not, in the sole opinion of the City, result in significant increases of noise, traffic or other noteworthy disturbances of the surrounding neighborhood."

Commissioner Ferrington noted that without bleachers a limited number of people would be at the gym. It will most likely be used for team practice.

Commissioner Wenner suggested that site design issues have led to security issues and would like clarification from the developer.

Commissioner Mons asked Commissioner Proud to clarify the intent of his suggested change. Commissioner Proud responded that he would like to control activities of third parties, either with a restriction in the Development Agreement or a requirement to obtain a permit from the

City.

Mr. Phil Hanson, NYFS, introduced Kevin Bush, Project Architect; and Kay Andrews, Director of NYFS.

Ms. Andrews stated in response to Commissioner Wenner's question that she believes the new building configuration will enhance security. Lights will not shine on neighbors but on perimeters of the parking lot. She is concerned about security and there will be video surveillance. **Mr. Hanson** added that there would be cameras on the exterior of the building, card access. Clients will leave the building by the end of the workday. Students will be well monitored. Security issues have occurred in the evening, when the Red Cross has programs. **Ms. Andrews** also noted that some NYFS clients do have severe emotional issues and police have been called during the day to deal with extreme incidents.

Acting Chair Proud asked about mitigating noise. **Mr. Kevin Bush** stated that the gym is designed without windows that open. The gym will be 150 feet from the property line and he does not believe that a lot of sound coming outside. The walls are 12-inch concrete block. The basketball court is 50 feet wide by 74 feet long with 5 feet of boundary area around the court. It is not the size of a high school regulation court and will only be used for practice. It does fit the regulation size for one volleyball court.

Acting Chair Proud asked what procedures would be used with third party visitors. **Ms. Andrews** stated that there would be an NYFS supervisor on-site. She agrees that a permit could be required to define how the space will be used.

Commissioner Solomonson asked about parking accommodation during the day with other than student activities. **Ms. Andrews** stated that there are other activities during the day. In the 13 years NYFS has been in the building, the parking lot has not been more than 2/3 full.

Acting Chair Proud opened the discussion to public comment.

Mr. Lee Anderson, 1045 Harriet, stated that his house is adjacent to the parking lot. His main concern is security. The program during the day is excellent, and there have been no issues that he knows about. The issues have been in the evening. He is pleased to hear there will be a security person on-site, if there are groups at night. Another issue is the proposal to put up a fence that would be 4 inches from his fence. It would be very difficult to maintain that 4 inches, and he would be okay with the plan if there were no fence.

Mr. Terry Wolje, 3471 Churchill, stated that he is across the street from NYFS. NYFS has been an excellent neighbor. There have been no problems in the 25 years he has lived in his house. He asked how the parking and conditions of approval are enforced. Acting Chair Proud explained that enforcement is complaint based.

Commissioner Mons added that unless there is a No Parking sign, cars couldn't be towed. However, if facility parking is occurring on the street, the City can request that parking be expanded.

Mr. Wolje asked if vans and trailers would be parked in the lot in the winter. There may be as many as 10 to 20, which takes up one-third of the parking lot, and the gym will get the most use in the winter. **Mr. Hanson** responded that there is no intention of putting up a fence. It is planned that the vans will be parked behind the new activity center.

Mr. Andrew Erlandson, 3464 Churchill Street, stated that his concern is traffic. There is one mile between County Road E and County Road F with six stoplights in between them. Traffic is backed up during rush hour and an increase of traffic for potential volleyball league use of the gym is a big concern. In the evening gangs of kids are on the streets and one neighbor is afraid to walk the dog. He contacted the Sheriff's Department and learned that there have been 220 calls in the last year.

Ms. Sheila Anderson, 1045 Harriet, asked the time frame for the additional 1000 people that will use this site, whether it will be in a month or over a year. **Mr. Hanson** answered that it is a rough estimate that an additional 1000 students will use the facility over a period of a year.

Commissioner Schumer stated that if volleyball leagues use the gym, it will take away time that students can use the gym. Users will not want to park far away and he would anticipate that cars would park on Harriet. Signs can be posted, but then residents cannot park on the street either. He would anticipate that outside usage would be from right after school until 9:00 or 10:00 p.m.

Commissioner Ferrington stated that the size of the basketball court would deter adult leagues.

Commissioner Schumer disagreed because the facility will be new. There are adult teams using the gym at Turtle Lake Elementary School.

Commissioner Mons stated that NYFS is a non-profit that relies on the good of the community, and he does not anticipate that there will be activities that upset the neighborhood. He suggested that the condition referencing league use be restricted to youth leagues. He also would not want to create a bureaucratic nightmare for every applicant that wants to use the facility.

Commissioner Solomonson stated that the motion restricts use to local organizations. He agreed with Commissioner Mons that he would not want to see the City have to review every applicant for facility use. NYFS has been an asset to the community. The security incidents at night are not the fault of NYFS. Everyone does the best they can for their neighborhood and community.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner, to recommend the City Council approve the Site and Building Plan review application submitted by Northwest Youth and Family Services, 3490 Lexington Avenue, to construct an addition onto their existing building. The following conditions are attached to this recommendation:

1. The project must be completed in accordance with the submitted site and building plans dated July 10, 2008. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.

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2. The use of the facility is restricted to NYFS services/programming and local athletic organizations. This facility shall not be used for congregation by other organizations or groups.
3. NYFS shall notify the City of any change in ownership of this property. A change in use will require site and building plan review.
4. Lighting shall comply with Section 206.030, Lighting Standards.
5. The applicant shall enter into site development and erosion agreements with the City before a permit will be issued. The Development Agreement will address construction management.
6. Final utility plans are subject to the approval of the Public Works Director.
7. Directional signage shall be placed at the driveway entries/exits directing traffic to Lexington Avenue.
8. Parking for this facility shall be provided on-site. Harriet Avenue shall not be used to accommodate parking needs of this facility. Any expansion of the parking area will require review through the City's site and building plan review process.
9. Storm water management infrastructure on the site is private. Regular and special maintenance of the private infrastructure will be addressed in the Development Agreement.
10. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD).
11. An NPDES permit shall be secured prior to commencement of any site disturbance.
12. The approval will expire after one year if a building permit has not been issued and work has not begun on the project.

The recommendation is based on the following findings:

1. The proposed development is consistent with Shoreview's Comprehensive Plan and Land Use policies.
2. The use is permitted in the O, Office District.
3. The proposed building addition and associated improvements comply with the City's Development Code standards.

Commissioner Mons offered an amendment to condition No. 2 to read "...local youth athletic organizations." Commissioner Wenner seconded the amendment.

Commissioner Solomonson stated that the amendment is too restrictive and he cannot support it.

ROLL CALL ON THE AMENDMENT: Ayes - 5 Nays - 1 (Solomonson)

ROLL CALL ON THE AMENDED MOTION:

Ayes - 6

Nays - 0

ANTENNA/TOWER PERMIT/REZONING

FILE NO.: 2327-08-24
APPLICANT: T-MOBILE CENTRAL LLC
LOCATION: 4344 HODGSON ROAD - SITZER PARK

Presentation by Senior Planner Rob Warwick

T-Mobile has submitted applications to establish a wireless facility in Sitzer Park. The proposal includes: 1) replace existing 50-foot light pole with 75-foot monopole; 2) pour a 7' x 12' concrete pad for the equipment; and 3) negotiate a ground lease with the City for facility equipment and access. The property is currently zoned R-1 and Telecommunications Overlay District 1 (TOD-1). Monopoles with a maximum of 60 feet in height are permitted in the TOD-1. The request is to rezone the property to TOD-2 to allow a monopole of 75 feet in height that would replace an existing light pole near the hockey rink. There would be no change to the underlying R-1 zoning designation. The lights would be rehung on the monopole at the same height. Antennas would be located at the top and covered with a shroud. Connecting cables to the antennas will be underground between the monopole and equipment cabinet. The purpose of the monopole is to achieve better cell phone coverage and to improve service inside buildings.

The proposal complies with City standards. Staff believes the park will separate the monopole from surrounding land uses. The many conifers and the shroud covering the antennas will minimize visual impact. Rezoning to TOD-2 does not open the door for other towers. Only one monopole is allowed per site. The proposed monopole will be for a single user.

Residents within 350 feet were notified of the proposal. No written comments were submitted. There was one verbal response in support of the application. The Park and Recreation Director reviewed the proposal and recommends approval. Staff is recommending that the Planning Commission forward the proposal to the City Council with a recommendation for approval.

The City Attorney stated that she has reviewed the publication and affidavit, and both are in order for the public hearing.

Commissioner Solomonson expressed concern that only one provider will be using this site and asked if co-location is encouraged on these towers. Mr. Warwick answered yes, the City Code encourages co-location. However, the shroud that minimizes visual impact takes greater space on the tower. Staff believes the reduced visibility of the tower makes use of the single-user monopole desirable.

Commissioner Solomonson asked if changing the zoning there would be a risk that other providers would seek similar accommodation elsewhere in the City. This rezoning would set a precedent. He asked if this provider could co-locate at another location and still provide the coverage being sought without this higher tower. Mr. Warwick stated that there are antennas located on the two water towers and on two other tower facilities, one at the Maintenance Center and one on Shoreview Park Road. No other towers are in parks. The applicant has submitted a

map of their locations in the area. T-Mobile is has facilities at three other locations in the City. This is to fill gaps that still exist. Staff believes that by rezoning there are site characteristics, including the monopole design and the trees on the site that make this consistent with the Development Code and Comprehensive Plan. Rezoning allows review of conditions on the site.

Commissioner Mons stated that he would prefer to process this application through a variance to take into account the screening. The City has already carefully decided the overlay districts of TOD-1 and TOD-2. It will be difficult to explain in later applications why this site should be rezoned to TOD-2 and not others. He would prefer not to rezone to TOD-2, when it is surrounded by a residential neighborhood. It is difficult that the City has to rely on the applicant to say where the optimal site should be. He would like to table this matter a month to see what other options are available. Mr. Warwick stated that staff considered a variance, but determined that rezoning is more consistent with Code. Rezoning does not rely on a finding of hardship. If the tower is taller than 60 feet, it is too tall for zoning district TOD-1.

Acting Chair Proud asked the City Attorney whether a variance or rezoning would be more appropriate. The City Attorney stated that hardship is the key issue in a variance. She believes rezoning would be the more reasonable process, but it should be what the Commission is the most comfortable with.

Mr. Paul Harrington, Carlson and Harrington, stated that he is the representative for the applicant and offered to answer questions.

Commissioner Mons asked the reason two 50-foot towers would not be better than one 75-foot tower. **Mr. Harrington** stated that the towers have to work in conjunction so that there is consistent phone coverage, especially now in residential areas as people use cell phones exclusively instead of land lines. Each tower has only a finite amount of capacity. Shoreview is unique in having established specific zoning districts where the towers can be located. There are not districts in areas that need to be covered. The need is along Hodgson, and there is only one location where a tower could be. He asked the objective if this matter were tabled for a month. Commissioner Mons responded that he would like to see the zoning remain TOD-1 with provision for additional height but only with screening as is possible at this location.

Commissioner Solomonson agreed with Commissioner Mons. There is not enough information to determine whether the need can be addressed in another way, other than rezoning. Changing the zoning for one provider will invite more requests in the future. He asked if co-location would be possible with a 60-foot tower. His concern that if a tower is for only one provider, other providers will come in with the same request, and he does not want to see many towers. He would caution the Commission because people are moving away from land lines and users will increase. This decision will set a precedent. **Mr. Harrington** stated that there needs to be a 10-foot separation between user antennas. A 60-foot tower would mean that a co-locator would have to place antennas at a height of between 45 and 50 feet. The signal would be degraded by trees and foliage.

Acting Chair Proud asked if the equipment would be fenced and if there is emergency capacity. **Mr. Harrington** stated that in trying to minimize what is put on the site, no fence is planned. The equipment will be on and on-grade slab. There is a 4- to 6-hour battery backup built in. In

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emergency situations, other communities have included a provision in the lease that does not allow generator hookup until the power source is restored.

Acting Chair Proud opened the public hearing. There were no comments or questions from the public.

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Mons stated that his suggestion to table would be for staff to draft language that would not obligate the City to approve similar requests in the future.

Commissioner Schumer noted that the 9-inch diameter of the pole would mean that only one carrier would be able to use the pole. **Mr. Harrington** stated that to increase users would mean a larger diameter for the cables that run inside.

Acting Chair Proud stated that he agrees that users will increase. He would like to see a design that includes co-location and would favor tabling this matter to give staff more time to pursue all possible options.

Commissioner Ferrington stated that since only one pole can be built on this site, she also would like to see it have the capacity for co-location. Co-location would mean a larger pole and how it will look.

Commissioner Mons stated that he is not concerned about co-location, but he is concerned about setting a precedent. This is why he would like to table, so that staff can look further into how the City can be protected from setting a precedent.

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to lay this matter over until the August Planning Commission meeting.

ROLL CALL: Ayes - 6 Nays - 0

Acting Chair Proud called a 10-minute recess and then reconvened the meeting.

COMPREHENSIVE SIGN PLAN REVIEW

FILE NO.: 2324-08-21

APPLICANT: LAWRENCE SIGN/ShOREVIEW PROFESSIONAL CENTER LLC

LOCATION: 4570 CHURCHILL STREET

Presentation by Senior Planner Rob Warwick

A comprehensive sign plan has been submitted for a second wall sign at the Shoreview Professional Center LLC by the Lawrence Sign Company. A second wall sign is a deviation

from City Code. Deviations are considered through the Comprehensive Sign Plan Review process.

The building consists of 18,000 square feet and has three stories. It is being remodeled to house a number of tenants. A wall sign on the south elevation has been approved. There is no freestanding sign. More than one wall sign is allowed if a structure faces two or more arterial roads, which is not the case in this instance. The sign plan shows 30-inch letters on the south façade, 20-inch address numbers on the west façade and 9-inch letters over the entrance on the east side. An illuminated halo is planned only for the south wall sign. City Code limits wall signs to 10% of the area of the wall elevation. The sign on the south wall is 5.6%, and the proposed east wall sign is 0.3%.

The main building entrance is on the east, and staff believes that is a reasonable location for the building name. The secondary wall sign has 9-inch letters to call attention to the building entrance. All signs are uniform in color, font, and material. Staff is recommending approval.

Acting Chair Proud noted that the address cannot be seen when driving eastbound on Highway 96. He asked what the lighting halo will look like. Mr. Warwick stated that the lighting is subtle. The intent is to appear cloudy behind the sign so the letters are back lit. It is not bright or illuminated from the front. The building address is 4570 Churchill and faces Churchill.

Acting Chair Proud asked if this approval is piecemeal. When new tenants move in, there may well be more signage requests and it should be considered as a whole package. Mr. Warwick responded that the applicant does not anticipate more signage. Ms. Nordine added that there would be the opportunity for the Commission to look at the whole package if there is an application for a sign plan amendment. He would prefer to lay this over until there is a full proposal.

Commissioner Mons stated that there is not a major tenant yet, and signage is needed now.

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to recommend that the City Council approve the Comprehensive Sign Plan application submitted by Lawrence Signs for 4570 Churchill Street, subject to the following conditions:

1. The sign shall comply with the plans dated 4-29-08 for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of the sign.

The recommendation for approval of the Comprehensive Sign Plan is based on the following findings of fact:

1. The sign plan uses individual style letters in uniform font, color and material.
2. The second wall sign is warranted due to the location of the main entrance on the east side of the building. The east wall sign is small, yet provides visibility for the entrance.

Discussion:

Acting Chair Proud sympathized with the need for signage but stated that he cannot support this plan because it is being presented piecemeal. It is costly to have to take signs down when an amended sign plan will request new signs for new tenants.

ROLL CALL: Ayes - 5 Nays - 1 (Proud)

PUBLIC HEARING

TEXT AMENDMENT - LOT ORIENTATION

FILE NO.: **2236-08-23**
APPLICANT: **CITY OF SHOREVIEW**
LOCATION: **CITY WIDE**

Presentation by City Planner Kathleen Nordine

This ordinance is to address situations when side lot lines abut rear lot lines of existing parcels and structure setbacks. In earlier discussions, Commissioners expressed concern about how this ordinance would apply to lots that were created previous to this ordinance. It is proposed that the ordinance only apply to lots created after the effective date of this new ordinance. Staff's concern is to not create non-conforming with respect to lots and structures. There was also concern about how this might affect two adjacent parcels being combined and what then is defined as a side and rear lot line. There are few situations in the City where there is a vacant lot adjacent to a developed lot. Therefore, staff is not proposing to address lot combinations with this ordinance.

Commissioner Proud suggested rephrasing No. 10 on page 4 for clarification, "In the event that proposed parcel results in any adjacent development parcel meeting the definition."

Key lots are defined as a parcel where the rear lot line abuts the side lot line of two or more adjoining lots, or there could be a side lot line abutting the rear lot line of two or more adjoining lots. When a key lot is created, it must be at least 15 feet deeper or wider than the minimum required. A 20-foot structure setback would be required when a side lot line abuts a rear lot line. A 40-foot structure setback would be required when a rear lot line abuts a side lot line.

A butt lot is the side that coincides with the back lot of two or more corner lots. A butt lot must be 15 feet wider than the minimum required, and the structure setback when a side lot line abuts a rear lot line must be at least 20 feet.

It is recommended that when standards cannot be applied to rear lot lines because of unique characteristics, or when a subdivision causes an adjacent developed parcel to become a key or butt lot, the City has the right to require a greater lot width or depth.

Staff is recommending approval.

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Commissioner Solomonson clarified with Ms. Nordine that this ordinance only applies to subdivisions.

Staff accepted Acting Chair Proud's proposed amendment to No. 10.

The City Attorney stated that the notice and affidavit of publication for the public hearing are in order.

Acting Chair Proud opened the public hearing. There were no questions or comments.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Schumer, seconded by Commissioner Mons

Discussion:

Commission Solomonson offered an amendment to accept Acting Chair Proud's amended language to the beginning of the first sentence of 204.030(C) 10 to read, "In the event that proposed parcel results in any adjacent development parcel meeting the definition"... .

Commissioners Schumer and Mons accepted the amendment.

ROLL CALL ON MOTION WITH THE AMENDMENT:

Ayes - 6 Nays - 0

MISCELLANEOUS

City Council Meetings

Commissioners Solomonson and Mons will respectively attend the August 4th and August 18th City Council meetings.

City of Arden Hills - County Road E District, Preliminary Land Use/Public Improvement Plans

Ms. Nordine stated that Arden Hills is seeking comments for the preliminary Master Plan redevelopment for the County Road E area. Currently, there are commercial, office and industrial uses. Commissioners' comments will be forwarded to Arden Hills.

Acting Chair Proud stated that he hoped any redevelopment would be trail friendly.

Commissioner Mons stated that any future reconfiguration of Highway 51 would push more traffic on Lexington, which needs to be taken into account. He is concerned about traffic on

Lexington. More coordination of development on both the Arden Hills and Shoreview sides would be welcome.

Comprehensive Plan - August Workshop

Ms. Nordine stated that she would like to schedule a workshop to discuss agency review comments, as well as a follow-up to the Commission's discussion in June. The public hearing is scheduled for August 26, 2008. It was the consensus of the Commission to hold a workshop meeting on Tuesday, August 12, 2008, at 7:00 p.m.

Exxon Station

Commissioner Mons stated that there is a different message on the reader board each day and is used for advertising of mechanical services, sales items. The City's ordinance does not allow this use.

Acting Chair stated that he has observed the same problem. Ms. Nordine stated that staff can handle the issue through its enforcement procedures. There could be a notice and then citation if action is not taken, or a violation of the sign plan could be reported to the City Council.

Commissioner Mons stated that he would like to know whether the Planning Commission can recommend to the City Council that the sign plan be revoked and requested a discussion at the August meeting.

ADJOURNMENT

MOTION: by Commissioner Mons, seconded by Commissioner Ferrington to adjourn the July 22, 2008 Planning Commission meeting at 10:07 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner